

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Willie E Hollins,

Plaintiff,

v.

Airgas Merchant Gases, LLC as succes in int to
AGA Gas, Inc., a corporation,
CBS Corporation, a corporation,
Certainteed Corporation, a corporation,
Foster Wheeler LLC, a corporation,
General Electric Company, a corporation,
General Refractories Company, a corporation,
Georgia Pacific, LLC, a corporation,
Hobart Brothers Company, a corporation,
Lincoln Electric Company, a corporation,
Linde, Inc. f/k/a The Boc Group and/or Airco,
a corporation,
Maremont Corporation, a corporation,
Miller Electric Mfg. Co., a corporation,
Owens-Illinois Inc., a corporation,
Rapid American Corporation, a corporation,
Union Carbide Corporation, a corporation,

Defendants.

Cause No. 01 MDL 875

Case No. 08-90201

Trans. From IL-ND Case No. 01-2006

FIRST AMENDED COMPLAINT

Now comes the plaintiff Willie E Hollins , (hereinafter "Plaintiff"), by and through his attorneys, Cascino Vaughan Law Offices, Ltd., and complains against defendants Airgas Merchant Gases, LLC as succes in int to AGA Gas, Inc., a corporation, CBS Corporation, a corporation, Certainteed Corporation, a corporation, Foster Wheeler LLC, a corporation, General Electric Company, a corporation, General Refractories Company, a corporation, Georgia Pacific, LLC, a corporation, Hobart Brothers Company, a corporation, Lincoln Electric Company, a corporation, Linde, Inc. f/k/a The Boc Group and/or Airco, a corporation, Maremont Corporation, a corporation, Miller Electric Mfg. Co., a corporation, Owens-Illinois Inc., a corporation, Rapid American Corporation, a

corporation, Union Carbide Corporation, a corporation, as follows:

JURISDICTION

1. Plaintiff is an adult citizen and resident of Mississippi and resides in Laurel, Mississippi.
2. Defendants are all corporations, none of which is incorporated in or has its principal place of business in the State of Illinois, and at all times relevant to the allegations contained herein were engaged in the business of designing, manufacturing, mining, and selling welding rods and/or asbestos and/or asbestos-containing products and/or asbestos-insulated equipment, hereinafter referred to as "asbestos products." Please refer to the attached Exhibit A for the state of incorporation and principal place of business of each defendant.
3. Jurisdiction is based on diversity of citizenship of the parties hereto under Title 28, United States Code, §1332.
4. The amount in controversy exceeds the sum of Seventy-Five Thousand Dollars (\$75,000), exclusive of interest and costs.
5. Venue is proper pursuant to Title 28, United States Code, §1391.

GENERAL ALLEGATIONS

6. Plaintiff during the course of his employment as a Welder at various job sites, including those listed on the attached Exhibit B was exposed to welding fumes and asbestos dust or fibers emanating from the welding and/or asbestos products and/or asbestos insulated equipment which was sold, manufactured, mined, distributed, packaged, installed or otherwise placed into commerce by defendants.
7. Plaintiff was ignorant of the dangerous nature of welding fumes and asbestos and of the nature of the risks incurred by workers working with or near welding fumes and asbestos products.
8. Plaintiff became aware of the welding fumes and asbestos-related condition and that said condition was caused by Defendants' wrongful conduct within the statute of limitations before the filing of this action.

9. As a direct and proximate result of the conduct of Defendants, Plaintiff developed and had been diagnosed with lung cancer on 8/20/2008.
10. Plaintiff suffers great pain, physical impairment, great mental pain and anguish, is liable for large sums of money for medical and hospital care, and suffered losses to his personal property and possessions.

COUNT I - PRODUCTS LIABILITY - NEGLIGENCE

11. Plaintiff brings this count for negligence against all defendants and incorporates by reference all general allegations.
12. It was reasonably foreseeable that Plaintiff and other workers would be working with or in the proximity of defendants' welding and/or asbestos products and be exposed to welding fumes and airborne asbestos fibers.
13. Defendants had a duty to exercise reasonable care for the safety of Plaintiff and others who worked with or were exposed to the defendants' welding and/or asbestos products.
14. Defendants knew or in the exercise of ordinary or reasonable care ought to have known welding fumes and asbestos causes disease and or death, and that Plaintiff did not know that welding fumes and/or asbestos products were dangerous or harmful at the time of his exposures.
15. Each defendant breached its duty of care and was negligent, including without limitation in one or more of the following acts or omissions:
 - a. Failed to adequately warn Plaintiff or others of the health hazards of welding fumes and/or asbestos;
 - b. Failed to warn Plaintiff or others of the danger and harm of the asbestos after the products or equipment were installed at the premises;
 - c. Failed to investigate or test for the health effects of welding fumes and/or asbestos prior to distribution and sale;

- d. Failed to instruct Plaintiff, his employers or others in the use of precautionary measures relating to welding fumes and/or asbestos-containing products and/or asbestos-insulated equipment; and/or
 - e. Manufactured, mined, supplied, or installed unsafe welding and/or asbestos-containing products or asbestos-insulated equipment.
16. As a direct and proximate result of the acts and omissions of the product defendants above, plaintiff was injured as described above.

PRAYER FOR RELIEF

17. Plaintiff prays for relief as follows:
- a. Judgment against defendants, jointly and severally, for compensatory and general damages.
 - b. Such further legal and equitable relief as the Court orders to do justice in this case; costs and disbursements of this action.

Dated: August 5, 2010

/S/ Michael P. Cascino
One of the Plaintiff's Attorneys

Michael P. Cascino
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Exhibit A
Defendants' Home States and Principal Places of Business

Defendant	StateHdq	StatePrincBus
Airgas Merchant Gases, LLC, as successor to AGA Gas, Inc.	Delaware	Arizona
CBS Corporation	Delaware	Pennsylvania
Certainteed Corporation	Delaware	Pennsylvania
Foster Wheeler LLC	Pennsylvania	New York
General Electric Company	New York	Connecticut
General Refractories Company	Pennsylvania	Pennsylvania
Georgia Pacific, LLC	Delaware	Georgia
Hobart Brothers Company	Ohio	Ohio
Lincoln Electric Company	Ohio	Ohio
Linde, Inc. f/k/a The Boc Group and/or Airco	Delaware	New Jersey
Maremont Corporation	Delaware	Michigan
Miller Electric Mfg. Co.	Wisconsin	Wisconsin
Owens-Illinois Inc.	Delaware	Ohio
Rapid American Corporation	Delaware	New York
Union Carbide Corporation	New York	Texas

Exhibit B
Plaintiff's work history

SiteLocation	SiteCity	SiteSt	FirstYrId	LastYrId
Caterpillar Plant	Joliet	IL	1965	1997